

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TATYANA RUZHINSKAYA, as  
Administratrix of the Estate of MARINA  
ROCHNIAK, Deceased, on behalf of herself  
and all others similarly situated,

Plaintiffs,

-against-

HEALTHPORT TECHNOLOGIES, LLC,

Defendant.

Case No. 1:14-cv-02921(PAE)

**HEALTHPORT TECHNOLOGIES, LLC'S PROPOSED VOIR DIRE**

Pursuant to Section 5(B)(iii) of the Court's Individual Rules and Practices in Civil Cases, and pursuant to the Court's June 29, 2016 Scheduling Order (Dkt. 182), as amended by the Court's June 30, 2016 Order (Dkt. 185), defendant HealthPort Technologies, LLC respectfully requests that the Court include the following statement and ask the following questions in its examination of prospective jurors.

**A. Proposed Introductory Statement**

The Plaintiff in this case is Tatyana Ruzhinskaya. She is the administratrix of the estate of Marina Rochniak, who passed away before this lawsuit was commenced. This lawsuit has nothing to do with Ms. Rochniak's passing. In this case, the administratrix of the estate accuses Beth Israel Medical Center and HealthPort Technologies of unlawfully overcharging Ms. Rochniak's attorneys for medical records that they requested from Beth Israel in connection with Ms. Rochniak's medical malpractice lawsuit against her private doctors.

Beth Israel is a hospital that has been located in Manhattan for over 125 years. Beth Israel contracted with HealthPort Technologies, a company headquartered in Alpharetta,

Georgia, to administer requests to Beth Israel for medical records made by attorneys, insurance companies, and other entities and individuals and to fulfill those requests in compliance with applicable federal and state laws.

Beth Israel is no longer a defendant in this case, although you will be hearing from one or more of their representatives during this trial. In response to plaintiff's accusation of overcharging for medical records, HealthPort Technologies states that the fees charged were lawful in all respects and that this lawsuit has no merit.

**B. Proposed Juror Questions**

1. Please state your full name.
2. What is your age?
3. Please describe your residential history (current neighborhood, address, years, whether you own or rent, and prior cities and years).
4. Who makes up your current household?
5. Do you have any children? If so, what are their ages and, if not members of your current household, where do they live?
6. Please describe your employment history.
7. Please describe your educational background.
8. What are your regular sources of news (newspapers, periodicals, internet, television, etc.)?
9. Are you a member of any groups, clubs, or other organizations? If so, which ones and what is the level of your involvement?
10. Please describe your hobbies and interests.
11. Have you, a family member, or anyone close to you ever been a party to or witness in a lawsuit? If yes, please explain and describe your level of involvement.
12. Have you ever served on a jury or grand jury? If so, please explain.
13. The Plaintiff is represented by:

Mathew P. Jasinski, William H. Narwold, Michael Jon Pendell, and Laura W. Ray of Motley Rice LLC in Hartford, Connecticut and Steven Hess of Simonson Hess Leibowitz & Goodman, P.C. or Hess & Leibowitz, PLLC in New York, New York.

Do any of you know any of the attorneys or the law firm representing Plaintiff in this case?

14. HealthPort Technologies is represented by:

James Lynch and Scott Emery of Lynch Daskal Emery LLP in New York, New York, Rebecca Brazzano of Thompson Hine LLP in New York, New York and Seth Litman of Thompson Hine LLP in Atlanta, Georgia.

Do any of you know any of the attorneys or law firms representing HealthPort Technologies in this case?

15. The following individuals may testify as witnesses or their name may be mentioned during the trial:

George Abatjoglou of HealthPort Technologies;

Raymond Cosner of Health Information Management;

Tony Farley of HealthPort Technologies;

Bryan Gery of HealthPort Technologies;

Steven Hess of Simonson Hess Leibowitz & Goodman, P.C. or Hess & Leibowitz, PLLC in New York, New York;

Bryan Hirsch of Warren Averett CPAs and Advisors;

Yazmin Navarro of Beth Israel;

Matthew Rohs of HealthPort Technologies;

Richard Royston of Roystons LLC;

Tatyana Ruzhinskaya;

Jeffrey Stevens of HealthPort Technologies; and

Greg Trerotola of Trerotola Management Associates

Do you know any of these people? If so, please explain.

16. This case involves an individual, estate administratrix Tatyana Ruzhinskaya, against a company, HealthPort Technologies. Companies and individuals are treated the same according to the law. Do you have any feelings or beliefs about companies that would cause you to treat HealthPort Technologies differently than Ms. Ruzhinskaya?
17. Does the fact that Plaintiff has filed this lawsuit cause you to believe that the case has merit and that Plaintiff is probably entitled to recover money damages against HealthPort Technologies?
18. When it comes to the law, however, you are to take your instructions from the Court - whether you agree with those instructions or not. Does anyone have any hesitation about being able to accept the law as explained by the Court and applying it to the facts regardless of your personal beliefs about what the law should be?
19. Do you have any doubt in your mind, for any reason whatsoever, that you will be able to serve conscientiously, fairly, and impartially in this case, and to render a true and just verdict according to the law as it will be explained to you?

Dated: New York, New York  
September 2, 2016

Respectfully submitted,

THOMPSON HINE LLP

By: /s/ Seth A. Litman

Seth A. Litman (admitted *pro hac vice*)  
(seth.litman@thompsonhine.com)  
Rebecca Brazzano  
(rebecca.brazzano@thompsonhine.com)  
335 Madison Avenue  
New York, New York 10017  
(212) 344-5680

-and-

LYNCH DASKAL EMERY LLP  
James R. Lynch  
Scott R. Emery  
137 West 25th Street, Fifth Floor  
New York, New York 10001  
(212) 302-2400

*Attorneys for HealthPort Technologies, LLC*

**CERTIFICATE OF SERVICE**

I certify that on September 2, 2016, I caused a true and correct copy of the foregoing to be served by depositing a true copy of the same in a properly addressed postage-prepaid wrapper by Federal Express and by electronic mail to:

MOTLEY RICE LLC  
William H. Narwold  
Mathew P. Jasinski  
Michael J. Pendell  
Laura W. Ray  
20 Church Street, 17th Floor  
Hartford, CT 06103  
[mjaskinski@motleyrice.com](mailto:mjaskinski@motleyrice.com)  
[bnarwold@motleyrice.com](mailto:bnarwold@motleyrice.com)  
[mpendell@motleyrice.com](mailto:mpendell@motleyrice.com)  
[lrays@motleyrice.com](mailto:lrays@motleyrice.com)

*Class Counsel*

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

*/s/Dwayne Lunde*

---

Dwayne Lunde